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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,635	12/05/2003	Syed Husain Abbas	J6865(C)	4255
201 7590 09/25/2007 UNILEVER INTELLECTUAL PROPERTY GROUP 700 SYLVAN AVENUE, BLDG C2 SOUTH ENGLEWOOD CLIFFS, NJ 07632-3100			EXAMINER CHANNAVAJALA, LAKSHMI SARADA	
			ART UNIT 1615	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/730,635	Applicant(s) ABBAS ET AL.	
	Examiner Lakshmi S. Channavajjala	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-9-07</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Receipt of amendment, remarks and IDS dated 7-9-07 is acknowledged.

Claims 3 and 4 have been canceled. Claims 1, 2 and 5-14 are pending in the instant application.

### ***Response to Arguments***

Applicant's arguments, see pages 1-3, filed 7-9-07, with respect to the rejection(s) of claim(s) 1-14 under 35 USC 102(b) as being unpatentable over EP 808895 or over US 4,574,053 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as follows:

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over of US 6,063,366 to Sugai et al in view of either one of US 6,664,217 or 6,764,991, both to Puvvada et al. ('217 or '991).

Sugai teaches a cosmetic composition massaging composition that gives the users neither an irritated feeling nor a physical disorder towards eyes and skin, but provides excellent effect for facilitating the circulation of blood to markedly improve the complexion of the skin. The composition of Sugai comprises disintegrating granules of water-insoluble particles and a binder, wherein the granules have compression strength

of 0.002-0.1 kgf/sq. mm and a particle size between 100-2000 microns (col. 2, L 4-27 and col. 3, L 14-55). Examiner notes that the particle sizes of instant claims range between 0.1-20 mm, which includes the sizes taught by Sugai (0.1 mm to 2 mm). The particles described by Sugai are made of the compounds such as cellulose, starch, silica etc (col. 2, L 40-50), all of which are described and claimed in the instant application. The binder materials of Sugai include materials such as oils. Sugai teaches the compositions for cleansing skin and the cleansing gel example of Sugai includes magnesium laurate sulfate that reads on the claimed surfactants. Sugai also teaches incorporating a number of other surfactants such as those described in col. 7, L 26-41. For the process of preparing the disintegrating granules, Sugai teaches mixing of a powder of water-insoluble binder, particles and granulating with a water-soluble binder (see col. 3, L 1-13). While Sugai does not teach the fracture index of the granules, the reference does recognize that the granules be disintegrable with specific compression strength, in order to provide a pleasant feel to the skin without causing any irritation. Examiner notes that the instant fracture index is measured as a function of compression force on the granules, which is not different from the compression strength described by Sugai. Further both Sugai and instant invention requires that the granules be disintegrable so as to provide massaging effect and improved circulation (see page 1, L 24-28 of instant specification). Accordingly, choosing the granule strength such the granules provide optimum massaging effect and improved blood circulation without causing any unwanted irritation to the user would have been within the scope of a skilled artisan.

While Sugai teaches the composition for cleansing and massaging, the reference fails to teach a bar composition.

'217 and '99, both to Puvvada, teaches toilet bar soap compositions comprising exfoliating agents in the form of particles, surfactants, moisturizing agents etc, wherein the particles have a major axis length of 100 to 600 microns (0.1 to 0.6 mm) (see abstract of both patents). Both '217 and '991 describe the exfoliants to aid in increased blood flow to the skin due to mechanical stimulation (col. 1). For the process of preparing the soap compositions, the above references teach mixing or blending the exfoliant particles with a moisturizer to form a pre-blend and mixing the exfoliant pre-blend with a pre-blend made of surfactant, exfoliant and moisturizer, refining and extruding the product into a solid bar (see the process in the paragraphs bridging col. 3-4). Further, the references teach incorporating anionic surfactants as well as soaps (col. 6-8) that are claimed and described in the instant invention. With respect to the claim limitation filler coating at least a portion of the interior of the particle, the process of forming a pre-blend by mixing the exfoliant and moisturizer reads on the step a of instant claim 13.

It would have been obvious for one of an ordinary skill in the art at the time of the instant invention was made to employ the composition of Sugai, comprising the disintegrable granules, not only a cleansing gel (Sugai) but also in the form of a cleansing toilet bar soap suggested by '217 or '991 because '217 and '991 teach the same particulate materials (col. 3, L 30-43) such as those claimed in the instant application together with the moisturizers (which read on the instant filler) for exfoliating skin, improving blood flow to the skin and also providing moisturizing effect. Further, a

skilled artisan would have been able to employ the processing steps of '217 and '991, in preparing a bar soap because the references teach that the toilet bar prepared as described show improvements in skin softness, smoothness and consumer perceived benefits such as exfoliation, moisturization, deposition etc.

### ***Information Disclosure Statement***

The information disclosure statement filed 7-9-07 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The IDS submitted on 7-9-07 did not provide copies of the documents listed as "Other Document". While examiner was able to obtain the EP document cited under Foreign Patent Documents, copies of Other Documents were not available for the examiner to consider. Hence the documents listed under the section "other documents" have not been considered.

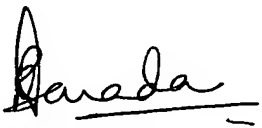
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AU 1615  
September 19, 2007

  
LAKSHMI S. CHANNAVAJJALA  
PRIMARY EXAMINER